

## COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

TWO SOUTH STATION BOSTON, MA 02110 (617) 305-3580 www.mass.gov/dtc

> GREGORY BIALECKI SECRETARY OF HOUSING AND ECONOMIC DEVELOPMENT

BARBARA ANTHONY
UNDERSECRETARY
OFFICE OF CONSUMER AFFAIRS AND
BUSINESS REGULATIONS

GEOFFREY G. WHY COMMISSIONER

October 28, 2009

Mr. Thomas Josie General Manager Shrewsbury Electric and Cable Operations 100 Maple Street Shrewsbury MA 01545

Dear Mr. Josie,

The Department of Telecommunications and Cable ("Department") is interested in clarifying its understanding of Shrewsbury Electric and Cable Operations ("SELCO")'s implementation or use of Voice over Internet Protocol (VoIP) telephone service in the Commonwealth, and the implications of this for SELCO's regulatory status in Massachusetts. The Department is of the belief that SELCO is currently offering facilities-based (or fixed) VoIP telephone services to Massachusetts customers on an untariffed basis. As you may know, the Department has previously expressed its opinion that fixed VoIP telephone service provided on a common carrier basis is subject to the Department's regulatory authority under Chapter 159 of the Massachusetts General Laws, including compliance with the Department's consumer protections set forth in D.P.U. 18448.

If, in fact, SELCO is providing fixed VoIP telephone service in Massachusetts on an untariffed basis, in violation of Chapter 159 of the Massachusetts General Laws and the Department's registration requirements, this letter will serve as notice of SELCO's obligation to come into compliance with the above referenced requirements. Accordingly, SELCO is required

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<sup>&</sup>lt;sup>1</sup> See, e.g., Letter from Michael A. Isenberg, Director, Competition Division, Massachusetts Department of Telecommunications and Cable, to Stacey L. Parker, Senior Director, Regulatory Affairs, Comcast (November 14, 2008), available at <a href="http://www.mass.gov/dtc">http://www.mass.gov/dtc</a> through the following links: Telecommunications Division > Telecom Statutes, Rules, and Notices>Correspondence with Comcast Regarding Regulation of Fixed VoIP.

to file a tariff and registration statement for its fixed VoIP telephone service within 30 days from the date of this letter.

If you have any questions, please feel free to contact me at 617-368-1101.

Michael A. Isenberg
Director, Competition Division

cc: Geoffrey Why, Commissioner Kajal Chattopadhyay, Deputy General Counsel Karen Robinson, Director, Consumer Division